

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
ANDREA WEINSTEIN,	:
on behalf of herself and those similarly situated,	:
	:
Plaintiff,	:
v.	:
	:
EBAY INC., et al.,	:
	:
Defendants.	:
-----X	

Case No. 10-CV-8310 (JFK)

**REPLY DECLARATION OF ERIC S. HOCHSTADT**

ERIC S. HOCHSTADT, pursuant to 28 U.S.C. § 1746, declares and states as follows:

1. I am an attorney-at-law of the State of New York and an associate with the firm Weil, Gotshal & Manges LLP. My firm represents eBay Inc., StubHub, Inc., and the New York Yankees Partnership (collectively, the “Defendants”) in the above-captioned matter. I submit this Reply Declaration on behalf of the Defendants in support of their Motion to Dismiss Plaintiff’s Amended Class Action Complaint.

2. Attached hereto as Exhibit 1 is a true and correct copy of an order confirmation form dated September 29, 2010 from orders@StubHub.com to a third party purchaser titled “Download Your Tickets – Order # [REDACTED],” with the exception of the identity of the purchaser, which has been redacted.<sup>1</sup>

3. Attached hereto as Exhibit 2 is a true and correct copy of excerpted pages of the REPORT ON TICKET RESELLING AND ARTICLE 25 OF THE ARTS & CULTURAL AFFAIRS LAW (Feb. 1, 2010) issued by the Honorable Lorraine Cortés-Vázquez, Secretary of State, New York. The

---

<sup>1</sup> For the Court’s convenience, the portions of Exhibits 1 – 6 that are cited or otherwise referenced in Defendants’ Reply Memorandum of Law are indicated by arrows and/or underlining.

Report is available in its entirety at [http://www.betterticketing.com/articles/Ticket\\_Reseller\\_Report.pdf](http://www.betterticketing.com/articles/Ticket_Reseller_Report.pdf) (last visited Mar. 16, 2011).

4. Attached hereto as Exhibit 3 is a true and correct copy of the “Yankees Ticket Information” page of the Yankees website, displaying a “Buy Tickets Now” link to “2011 Individual Game Tickets,” available at [http://newyork.yankees.mlb.com/ticketing/index.jsp?c\\_id=nyy](http://newyork.yankees.mlb.com/ticketing/index.jsp?c_id=nyy) (last visited Mar. 16, 2011).

5. Attached hereto as Exhibit 4 is a true and correct copy of the “Yankees Individual Game Tickets” page of the Yankees website, which users can go to if they click the “Buy Tickets Now” link, available at [http://newyork.yankees.mlb.com/ticketing/singlegame.jsp?c\\_id=nyy&affiliateId=1315AVG41-2K4D5](http://newyork.yankees.mlb.com/ticketing/singlegame.jsp?c_id=nyy&affiliateId=1315AVG41-2K4D5) (last visited Mar. 16, 2011).

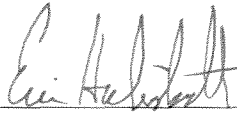
6. Attached hereto as Exhibit 5 is a true and correct copy of the “StubHub! the Official Fan to Fan Ticket Marketplace of Yankees.com” page of the Yankees website, which users can go to if they click the “StubHub” link on the “Yankees Individual Game Tickets” page, available at [http://newyork.yankees.mlb.com/ticketing/stubhub.jsp?c\\_id=nyy](http://newyork.yankees.mlb.com/ticketing/stubhub.jsp?c_id=nyy) (last visited Mar. 16, 2011).

7. Attached hereto as Exhibit 6 is a true and correct copy of the StubHub website page, which users can go to if they click the link “Buy/Sell your tickets on StubHub” on yankees.com, available at [http://www.stubhub.com/new-york-yankees-tickets/?gcid=C12289x544&tcid=stubhub\\_fixed\\_nyy](http://www.stubhub.com/new-york-yankees-tickets/?gcid=C12289x544&tcid=stubhub_fixed_nyy) (last visited Mar. 16, 2011).

8. Attached hereto as Exhibit 7 is a true and correct copy of *Brady v. Posse*, No. SCR 1550/06, 14 Misc.2d 1232(A), 2007 WL 519273 (N.Y. City Civ. Ct., Richmond Cty. Feb. 16, 2007).

9. I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 17, 2011  
New York, New York

A handwritten signature in cursive script, appearing to read "Eric Hochstadt", is written above a horizontal line.

Eric S. Hochstadt